REMARKS

I.   General

Claims 2-7, 9-13, 15-22 and 29-42 are pending in the application. Claims 2-7, 9-13, 15-22 and 29-42 have been rejected. Claims 6-7, 15, 29, 39, 41, and 42 are currently amended. Applicant respectfully traverses the rejections of record and requests reconsideration in light of the remarks herein.

II.   Examiner Interview

On August 17, 2010, Attorney Joni Collins (Reg. No. 59,354) and Examiner Akiba K Robinson-Boyce conducted an Examiner Interview. In the interview, the cited references and claim 39 were discussed. Examiner suggested amending the claims to include a restricting limitation, and as a result, Application has made the suggested amendment.

III.   Claim Amendments

Claims 6 and 7 are amended herein. Support for the amendments is found in originally filed paragraphs [0009]-[0010], [0023]-[0025], and originally filed claim 6. No new matter is added.

Claim 42 is amended herein to correct a typographical error. No new matter is added.

Claims 15, 29, 39, and 41 are amended herein. Support for the amendments is found in originally filed paragraphs [0027] and [0029].

IV.   35 U.S.C. § 112 Rejection

Claims 6 and 7 are amended herein thereby making the rejection moot. Applicant requests the rejection be withdrawn.

V.   35 U.S.C. § 102 Rejection

Claims 39, 2-5, 9-11, 15-18, 34, 35, and 38 are rejected under 35 U.S.C. §102(b) as being anticipated by *Lee* et al., United States patent number 5,742,683 (hereinafter *Lee*). For

a claim to be anticipated, the *Office Action* must show that the four corners of a single document describe every element of the claimed invention and disclose those elements arranged in the same way as in the claim. *Net Moneyin, Inc. v. Versign, Inc.* No. 2007-1565, at *15 (Fed. Cir. Oct. 20, 2008). Because each and every element of the claims are not shown in the cited reference, the rejections should be withdrawn.

A.   Dependent claims 10-11

Claims 10-11 are rejected as being anticipated by *Lee*. However, claims 10-11 depend from independent claim 41. Therefore, claims 10-11 include all the limitations recited in claim 41. As explained below in reference to claim 41, *Lee* does not teach all the limitations of claim 41. Moreover, the *Office Action* admits that *Lee* fails to teach various limitations of claim 41 (e.g. "wherein the database also includes at least one postage usage meter parameter"). As such, a prima facie case of anticipation has not been made against claims 10-11. Thus, because *Lee* fails to teach all the limitations of claims 10-11 and the *Office Action* admits as much, Applicant requests the rejection be withdrawn and the claims be allowed. Moreover, the additional limitations provided in claims 10-11 are likewise not taught by *Lee,* as shown below.

Claim 10 recites "the at least one user parameter comprises: a period of time during which the particular user of said plurality of users is allowed to use the meter to evidence postage." The *Office Action* cites to column 2, line 61 of *Lee* and states that the claim is inherently taught by *Lee* since the user must access the meter for a certain amount of time. However, the *Office Action*'s analysis is flawed. Column 2, line 61 of *Lee* does not teach a time limitation. Instead, *Lee* discloses that customized features can be "vault refill, network meter access, maximum postage amount, destination address limitations, diagnostic and inspection repost access, and departmental accounting records." **No time limitation is taught.**

Further, as to the *Office Action*'s statement on pages 6-7, "inherent with network meter access since the user must access the meter for a certain amount of time," *Lee* simply does not teach that a user must access the meter for a certain amount of time. *Lee* explains that if the vault is idle for a certain amount of time, the vault will change to state S3, which is

termed the non-operable state by the *Office Action*. Col. 7, lns. 10-16. However, this does not restrict a user's ability to evidence postage because if the user wishes to evidence postage, the user simply inputs his password again and access will be provided. Fig. 7 at 100. As such, *Lee* fails to teach "the at least one user parameter comprises: a period of time during which the particular user of said plurality of users is allowed to use the meter to evidence postage," and Applicant requests the rejection be withdrawn and the claim be allowed.

Claim 11 requires "a second user parameter of the at least one user parameter include a period of time during which the particular user of said plurality of users is allowed to use the meter to evidence postage." The *Office Action* relies on column 2, lines 50-65 of *Lee* as teaching the limitation. *Office Action* at 7. However, the cited portion of *Lee* fails to teach the limitation quoted above. *Lee* teaches customized features can be "vault refill, network meter access, maximum postage amount, destination address limitations, diagnostic and inspection repost access, and departmental accounting records." Col. 2, lns. 60-65. **No time limitation is taught**. Thus, because each and every limitation of the claim is not taught by the reference, the anticipation rejection is improper, and Applicant requests the rejection be withdrawn and the claim be allowed.

Applicant notes that if a new rejection is asserted against the claims, the new rejection will not have been necessitated by an amendment. Thus, if a new rejection is asserted, the new rejection should be made non-final.

B.   Independent claim 39 and dependent claims 2-5 and 34-35

Amended claim 39 requires "at least one postage usage meter parameter, wherein said meter parameter restricts all password authenticated users' of said plurality of users ability to evidence postage using the meter. . . ." The *Office Action* cites to the password of *Lee*, which must be entered when *Lee's* system is in the non-operational state, as teaching the claimed "postage usage meter parameter". *Office Action* at 3 (*citing col. 3, lns. 16-21*). However, the password taught by *Lee* does not teach a postage usage meter parameter that restricts all password authenticated users.

Specifically, when *Lee*'s system is in state S3 (termed the non-operations state by the Office Action), the system's user password system has been activated, but no password is

currently entered (e.g. power down, log out, excessive idle time). Col. 7, lns. 10-16. If a user wishes to evidence postage, a user simply inputs a valid password and receives access to the vault according to his privilege level. Fig. 7 at 100. Thus, the password of *Lee* does not prevent a valid user from evidencing postage. The password merely delays users by adding an extra step. Thus, *Lee*'s password is distinct from the claimed meter parameter, which because, in *Lee*, the user has the ability to move forward by inputting the password. In contrast, the claimed meter parameter **restricts** a users ability to move forward. As such, *Lee* fails to teach "at least one postage usage meter parameter, wherein said meter parameter **restricts** all password authenticated users' of said plurality of users ability to evidence postage using the meter" (emphasis added).

Moreover, the claim requires "said meter parameter restricts all **password authenticated** users'" (emphasis added). *Lee* does not teach meter parameters restricting a user who has been password authenticated. According to *Lee*, once a password is authenticated by *Lee*, it is individual user privileges that restrict the particular user's ability to evidence postage. *Lee* does not teach meter parameters restricting a user **after** password authenticated. Therefore, *Lee* fails to teach "said meter parameter restricts all password authenticated users' . . . ." Thus, Applicant requests the rejection be withdrawn and the claim be allowed.

Dependent claims 2-5 and 34-35 depend from independent claim 39 thereby inheriting the limitations therein. As shown above, claim 39 includes limitations not taught by the cited reference. As such, the dependent claims include limitations not taught by the reference. Accordingly, Applicant requests the rejections of record be withdrawn and the claims be allowed. Moreover, the claims include limitations, which further set the claims apart from the cited reference as shown by way of example below.

For example, claim 3 requires "the user parameter comprises: a period of time during which the particular user of said plurality of users is allowed to use the meter to evidence postage." The *Office Action* states that claim 3 is rejected as being anticipated by *Lee*. *Office Action* at 3. However, the *Office Action* fails to point to any portion of *Lee* as teaching the claim. Moreover, *Lee* does not teach that "the user parameter comprises: a period of time during which the particular user of said plurality of users is allowed to use the meter to

evidence postage." As such, a prima facie case of anticipation has not been established and Applicant requests the rejection be withdrawn.

In another example, claim 4 recites "a second user parameter of said at least one user parameter comprises a period of time during which the particular user of said plurality of users is allowed to use the meter to evidence postage." The *Office Action* relies on column 2, lines 50-65 of *Lee* as teaching the limitation. *Office Action* at 5. However, the cited portion of *Lee* fails to teach the limitation quoted above. *Lee* teaches customized features can be "vault refill, network meter access, maximum postage amount, destination address limitations, diagnostic and inspection repost access, and departmental accounting records." Col. 2, lns. 60-65. However, *Lee* does not teach "a second user parameter of said at least one user parameter comprises a period of time during which the particular user of said plurality of users is allowed to use the meter to evidence postage." Thus, because each and every limitation of the claim is not taught by the reference, the anticipation rejection is improper, and Applicant requests the rejection be withdrawn and the claim be allowed.

C.   Independent claims 15 and dependent claims 16-18 and 38

Claim 15 recites "at least one postage usage meter parameter that restricts password authenticated users' usage of the respective meter storing the meter parameter. . . ." The *Office Action* cites to column 2, lines 50-65 as teaching a user parameter and likens the parameter to *Lee*'s requirement of a user password. *Office Action* at 7-9. As explained above, regarding clam 39, *Lee*'s password does not **restrict** a user's usage of a meter. Rather, the password requirement merely delays the user's access due to the required extra step. Moreover, as explained above, *Lee*'s password does not restrict **password authenticated** users. According to *Lee*, once the password is authenticated by *Lee*, it is individual user privileges that restrict the particular user's ability to evidence postage. As such, *Lee* fails to teach "at least one postage usage meter parameter that restricts password authenticated users' usage of the respective meter storing the meter parameter. . . ."

Furthermore, the *Office Action* cites to figure 8 as teaching the user parameter "is exchanged between said meters via the communication link . . . ." *Office Action* at 7-9. Further, the *Office Action* cites to the following items as being a user parameter: a vault refill,

network report access, maximum postage amount, ect. *Office Action* at 8. However, figure 8 does not teach that a vault refill, network report access, maximum postage amount, ect. is exchanged between meters via a communication link. Rather, figure 8 merely shows a line pointing from one system to another. Figure 8, and the description thereof (col. 8, lns. 6-16), does not disclose that this line is a communication link. Moreover, Figure 8, and the description thereof (col. 8, lns. 6-16), does not disclose that this line exchanges any information whatsoever and especially does not disclose exchanging a vault refill, network report access, maximum postage amount, ect.

In order for an applied reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." M.P.E.P. § 2131 (citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989)). Figure 8, and the description thereof (col. 8, lns. 6-16), simply does not provide any description of what this line is or what this line does. Thus, this line does not provide enough detail to anticipate "at least one user parameter for at least one said particular user of said plurality of users is exchanged between said meters via the communication link . . . ."

Claim 15 also requires "wherein the processor of the meter receiving said user parameter controls an ability of the particular user associated with the user parameter to evidence postage using the receiving meter in accordance with the received user parameter and at least one of the meter parameters stored by the receiving meter." The *Office Action* relies on column 2, lines 50-65 as teaching the user parameter and figure 8 as teaching the receiving meter controlling an ability of the particular user to evidence postage. *Office Action* at 7-9. However, the line of figure 8, does not teach the limitation. As explained above, figure 8, and the description thereof (col. 8, lns. 6-16), simply does not provide any description of what this line is or what this line does. Thus, this line does not provide adequate detail to anticipate wherein the processor of the meter receiving said user parameter controls an ability of the particular user associated with the user parameter to evidence postage using the receiving meter in accordance with the received user parameter and at least one of the meter parameters stored by the receiving meter."

Dependent claims 16-18 and 38 depend from independent claim 15 thereby inheriting the limitations therein. As shown above, claim 15 includes limitations not taught by the cited reference. As such, the dependent claims include limitations not taught by the reference. Accordingly, Applicant requests the rejections of record be withdrawn and the claims be allowed. Moreover, the claims include limitations, which further set the claims apart from the cited reference as shown by way of example below.

For example, claim 17 recites "the at least one user parameter comprises: a maximum amount of postage that can be evidenced by the selected user **during a selected period of time**" (emphasis added). The *Office Action* cites to column 2, line 61 of *Lee* and states that the claim is inherently taught by *Lee* since the user must access the meter for a certain amount of time. *Office Action* at 10. However, the *Office Action*'s analysis is flawed.

As explained above, the column 2, line 61 of *Lee* does not teach a time limitation. Instead, *Lee* discloses that customized features can be "vault refill, network meter access, maximum postage amount, destination address limitations, diagnostic and inspection repost access, and departmental accounting records." No time limitation is taught.

Further, as to the *Office Action*'s statement that the claim is "inherent with network meter access since the user must access the meter for a certain amount of time," *Lee* simply does not teach that a user must access the meter for a certain amount of time. *Lee* explains that if the vault is idle for a certain amount of time, the vault will change to state S3, as explained above. Col. 7, lns. 10-16. However, this does not restrict a user's ability to evidence postage because if the user wishes to evidence postage, the user simply inputs his password again and access will be provided. Fig. 7 at 100. As such, *Lee* fails to teach "the at least one user parameter comprises: a maximum amount of postage that can be evidenced by the selected user **during a selected period of time**" (emphasis added). Thus, Applicant requests the rejection be withdrawn and the claim be allowed.

In another example, claim 18 recites "a second user parameter of said at least one user parameter comprises a **period of time** during which the particular user is allowed to use the meter to evidence postage" (emphasis added). The *Office Action* relies on column 2, lines 41-45 and 50-65 of *Lee* as teaching the limitation. *Office Action* at 10. However, the cited

portion of *Lee* fails to teach the limitation quoted above. *Lee* teaches customized features can be "vault refill, network meter access, maximum postage amount, destination address limitations, diagnostic and inspection repost access, and departmental accounting records." Col. 2, lns. 60-65. However, *Lee* does not teach "a second user parameter of the at least one user parameter include a **period of time** during which the particular user of said plurality of users is allowed to use the meter to evidence postage" (emphasis added). Thus, because each and every limitation of the claim is not taught by the reference, the anticipation rejection is improper, and Applicant requests the rejection be withdrawn and the claim be allowed.

VI.   35 U.S.C. § 103 Rejection

Claims 3, 6-7, 12-13, 19-22, 29-33, 36, 37, and 40-42 stand rejected under 35 U.S.C. §103. The test for non-obvious subject matter is whether the differences between the subject matter and the prior art are such that the claimed subject matter as a whole would have been obvious to a person having ordinary skill in the art. The United States Supreme Court in *Graham v. John Deere and Co.*, 383 U.S. 1 (1966) set forth the factual inquiries which must be considered in applying the statutory test: (1) determining the scope and content of the prior art; (2) ascertaining the differences between the prior art and the claims at issue; and (3) resolving the level of ordinary skill in the pertinent art. As discussed further hereafter, Applicant respectfully asserts that the claims include non-obvious differences over the cited references. Thus, the rejections should be withdrawn because when considering the scope and content of the applied references there are significant differences between the applied combination and rejected claims, as the applied combination fails to disclose all elements of the rejected claims.

D.   Claims 21, 29-33, 36, 37 and 40-42

Claims 21, 29-33, 36, 37 and 40-42 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Lee* and further in view of *Liechti* et al., United States patent number 5,715,164 (hereinafter *Liechti*). Applicant traverses the rejections.

1.   Independent claim 29 and dependent claims 30-33

Claim 29 recites "storing at least one postage usage meter parameter, wherein said meter parameter restricts an ability of all password authenticated users of said postage meter to evidence postage. . . ." As explained above regarding independent claims 39 and 15, *Lee* fails to teach this limitation. Moreover, *Liechti* does not cure the deficiency. Thus, this limitation is not made obvious by the combination.

Claim 29 also recites "(b) determining, based on at least one of said postage meter's meter parameters, if sufficient postage is available from an available postage balance of said postage meter used for evidencing postage to fulfill the request for the requesting user . . . ." The *Office Action* likens the claimed meter parameters to *Lee's* passwords. *Office Action* at 16-17 and cites to column 7, lines 27-46 of *Lee* as teaching the required "determining . . . ." However, *Lee* does not teach determining whether sufficient postage is available based on a **password**. In *Lee*, the password is used to determine whether a user authorized to use the system, the password of *Lee* is not used to determine whether sufficient postage is available.

Moreover, while in step 120 of figure 7, *Lee* makes a determination as whether a **user** is authorized for a particular request (e.g. to request postage to a certain destination address), this is a user restriction, not a meter parameter. *Lee* does not teach a determination step which determines, based on at least one of said postage meter's **meter** parameters, if sufficient postage is available. As such, *Lee* fails to teach or make obvious this claim limitation.

Further, claim 29 requires "evidencing a requested postage amount if said (a) determining is affirmative and **if said (b) determining is affirmative** [determining, based on at least one of said postage meter's meter parameters, if sufficient postage is available]" (emphasis added). The *Office Action* relies on column 7, line 64 to column 8, line 2 and step 120 (reproduced below) as teaching the limitation. *Office Action* at 19. However, the *Lee* does not teach evidencing a requested postage amount if said (b) determining is affirmative. Rather, step 120 only checks if the **user** has permission for the transaction.
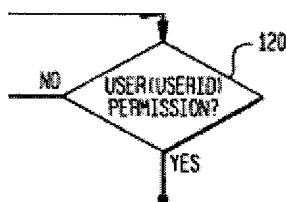
Fig. 7

Step 120 does not evidence a requested postage amount if a determination based on at least one of the **postage meter's meter parameters** is affirmative. As such, the cited portion of *Lee* fails to teach or make the limitation obvious.

As demonstrated above, *Lee* fails to teach several of the limitations of claim 29. Moreover, *Liechti* fails to cure the demonstrated deficiencies. Thus, the cited combination fails to make the claim obvious, and Applicant requests the rejection is withdrawn and the claim allowed.

Dependent claims 30-33 depend from independent claim 29. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)." MPEP 2143.03. As shown above, independent claim 29 is nonobvious. Thus, at least because the independent claims are nonobvious, dependent claims 30-33 are likewise nonobvious. Accordingly, Applicant requests the rejections of record be withdrawn and the claims be allowed.

2.   Independent claim 41 and dependent claims 36-37 and 42

Claim 41 requires "at least one postage usage meter parameter, wherein the meter parameter establishes usage **thresholds** for all users of said plurality of users" (emphasis added). The *Office Action* relies on *Lee*'s passwords as teaching the limitation. *Office Action* at 25-26. As explained above, *Lee* does not teach a postage usage meter parameter that establishes usage thresholds. The password merely delays users by adding an extra step. The password does not establish a usage **threshold** for all users. As such, *Lee* fails to teach "at least one postage usage meter parameter, wherein the meter parameter establishes usage thresholds for all users of said plurality of users . . . ."

Moreover, claim 41 requires "said postage evidencing meter is operable to access said database through a communication module to **restrict** the ability of said particular user of

said plurality of users to evidence postage in accordance with the at least one associated particular user parameter **and the at least one meter parameter**" (emphasis added). As explained above, the vault taught by *Lee* does not **restrict** the usage of a particular user in accordance with a meter parameter. The only restrictions imposed by *Lee* are user restrictions. As such, *Lee* fails to teach this limitation of the claim.

Thus, *Lee* fails to teach limitations of claim 41. Therefore, Applicant requests the rejection be withdrawn and the claim be allowed.

Dependent claims 36-37 and 42 depend from independent claim 41 thereby inheriting the limitations therein. As shown above, claim 41 includes limitations not taught by the cited reference. As such, the dependent require limitations not taught by the reference. Moreover, this deficiency is not cured by obviousness in light of *Lee*. Accordingly, at least due to their dependence from claim 41, Applicant requests the rejections of record be withdrawn and the claims be allowed.

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3.   Dependent claims 21 and 40
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Dependent claims 21 and 40 depend from independent claims 15 and 39, respectively. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)." MPEP 2143.03. As shown above, independent claims 15 and 39 are nonobvious. Thus, at least because the independent claims are nonobvious, dependent claims 21 and 40 are likewise nonobvious. Accordingly, Applicant requests the rejections of record be withdrawn and the claims be allowed.

E.   Claims 3, 6 and 7

Claims 3, 6 and 7 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Lee* et al., United States patent number 5,742,683 (hereinafter *Lee*). Applicant traverses the rejections.

Dependent claims 3, 6, and 7 depend from independent claim 39 thereby inheriting the limitations therein. As shown above, claim 39 includes limitations not taught by the cited

reference. As such, the dependent claims include limitations not taught by the reference. Moreover, this deficiency is not cured by obviousness in light of *Lee*. Accordingly, at least due to their dependence from claim 39, Applicant requests the rejections of record be withdrawn and the claims be allowed. Moreover, the claims include limitations, which further set the claims apart from the cited reference as shown by way of example below.

Claim 3 recites "the user parameter comprises: **a period of time** during which the particular user of said plurality of users is allowed to use the meter to evidence postage." The *Office Action* seems to admit that *Lee* does not anticipate the limitation, and relies on obviousness as teaching the limitation. *Office Action* at 13. However, *Lee* does not make the time limitation obvious.

As explained above, *Lee* does not teach a time limitation. Instead, *Lee* discloses that customized features can be "vault refill, network meter access, maximum postage amount, destination address limitations, diagnostic and inspection repost access, and departmental accounting records." No time limitation is taught.

Further, as to the *Office Action*'s statement that the claim is "obvious with network meter access since the user must access the meter for a certain amount of time," *Lee* simply does not teach that a user must access the meter for a certain amount of time. *Lee* explains that if the vault is idle for a certain amount of time, the vault will change to state S3, as explained above. Col. 7, lns. 10-16. However, this does not restrict a user's ability to evidence postage because if the user wishes to evidence postage, the user simply inputs his password again and access will be provided. Fig. 7 at 100. As such, *Lee* fails to teach "the at least one user parameter comprises: a period of time during which the particular user of said plurality of users is allowed to use the meter to evidence postage," and Applicant requests the rejection be withdrawn and the claim be allowed.

Moreover, the *Office Action* is relying on impermissible hindsight. The Examiner is called to not to include knowledge gleaned from the Applicant's disclosure. MPEP 2145 X. In the *Office Action*'s motivational rational the *Office Action* states that *Lee* has "motivation of showing a representation of the period of access." *Office Action* at 13. However, *Lee* expresses no such motivation. As explained above, *Lee* makes no attempt to provide a time

limitation on a user. Any time any user wants to access the vault, he merely inputs a password, and access is granted. Fig. 7 at 100. *Lee* expresses no desire to limit a user according to a time period, and *Lee* make not suggestion that such a limitation would be in any way desirable. The *Office Action* has used knowledge gleaned from the Applicant's disclosure to piece together an obviousness rejection. Thus, because the rejection relies on impermissible hindsight, the rejection is improper. MPEP 2145 X. Applicant requests that the rejection be withdrawn and the claim be allowed.

F.   Claims 12, 13, 19, 20, and 22

Claims 12, 13, 19, 20, and 22 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Lee* and further in view of *Manduley*, United States patent publication number 2004/0098354 (hereinafter *Manduley*). Applicant traverses the rejections.

Dependent claims 12, 13, 19, 20, and 22 depend from independent claims 41 and 15, respectively, thereby inheriting the limitations therein. As shown above, claims 41 and 15 include limitations not taught by *Lee*. As such, the dependent claims include limitations not taught by the reference. Moreover, this deficiency is not cured by *Manduley*. Accordingly, at least due to their dependence from claims 41 and 15, Applicant requests the rejections of record be withdrawn and the claims be allowed.

VII.   Conclusion

In view of the above, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. Please charge any fees required or credit any overpayment during the pendency of this Application pursuant to 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees to Deposit Account No. 06-2380, under Order No. 61135/P023US/10303235 from which the undersigned is authorized to draw.

Dated: August 25, 2010

Respectfully submitted,

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